

#### **REMARKS**

Claims 76-96 are pending in the present application, claims 1-75 having been cancelled without prejudice or disclaimer. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

The Examiner is thanked for courtesies shown during the personal interview on February 18, 2011. The amendments presented herein are made in accordance with the discussions during that interview, which are accurately reflected in the Examiner Interview Summary Record.

Claims 74 and 75 are further rejected under 35 U.S.C 112 as allegedly failing to comply written description requirement. These claims have been cancelled, and the new claims written in consideration of this rejection. Applicant respectfully submits that the amended set of claims now comply with the requirements of 35 U.S.C. § 112.

Claims 47-52, 57-58, 63-68, and 70-73 have been rejected under 35 U.S.C. § 103 as being unpatentable over Maloney (U.S. Patent No. 6,253,337) in view of Wu (U.S. Patent No. 5,185,860). Claims 52-54 and 68-69 are rejected under 35 U.S.C 103(a) as being unpatentable over Maloney in view of Wu and in further view of Keir (U.S. Patent Application No. 2004/0078384). Claims 55, 57-59, 63 and 70-71 are rejected under 35 U.S.C 103(a) as being unpatentable over Maloney in view of Wu and in further view of Bearden (U.S. Patent Application No. 2003/0086425). Claims 51, 67 and 74-75 are rejected under 35 U.S.C 103(a) as being unpatentable over Maloney in

view of Wu and in further view of Rowland (U.S. Patent Application No. 2003/0212910). Applicant respectfully traverses these rejections.

To advance prosecution, and emphasize the distinguishing features over the cited references, Applicant has cancelled claims and new claims 76-96 have been added. No new matter has been introduced by this replacement.

One of the essential aspects of the present invention is providing a "smart" combination of active and passive methods of collecting information about the network and nodes therein.

Accordingly, it is proposed to analyze passively detected information in order to identify missing information, and to accomplish collecting the information by querying one or more nodes thereby actively collecting the missing information. The nodes to be queried are identified by analyzing at least one of said passively detected data and the identified missing information. Depending on the results of such analyses, the node to be queried can comprise merely detected already nodes, merely non-detected yet nodes, or both – detected and non-detected nodes. Optionally, the querying (i.e. actively detecting) can be activated subject to certain criteria; some of them can depend on the missing information. Alternatively or additionally, the content of queries during active querying can depend on missing information.

Maloney discloses a system and method for enabling detection of node-related data in passive OR active modes. In contrast to the claimed invention, Maloney neither teaches identifying information missing after passive detection, nor how to

accomplish the missing information. Moreover, Maloney does not teach at all how to combine passive and action detection.

Wu discloses a system and method of active discovering network elements (nodes). Wu teaches that the process of querying discovery agents to obtain a list of nodes known to be discovery agents must be repeated at regular intervals; thus, by repeating the discovery process over time at regular intervals, additional nodes on a network can be discovered. In contrast to the claimed invention, in the technique disclosed by Wu the querying is provided in a periodical manner, without prior knowledge if there are some missing information, and the nodes to be queried are selected independently from the missing information.

Furthermore, a combination of techniques of Maloney and Wu does not result in the claimed invention, and in order to arrive to the claimed invention would require serious modifications.

Thus, neither the problem of accomplishing missing information nor a solution thereto by the claimed invention as presented in the amended set of claims can be learned from the cited references and/or combination thereof, and therefore Applicant believes that the claim amendments overcome the Examiner's rejection.

Applicant notes that the Examiner agreed during the interview that the proposed claims overcame the rejections of record. Accordingly, Applicant respectfully submits that claims 76-96 are patentable over the prior art.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record.

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Amdt. dated **February 23, 2011**  
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Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, she is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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